

Charles W. Dahlquist, II (#0798)
David J. Hardy (#5963)
Matthew C. Ballard (#11503)
KIRTON & McCONKIE
Attorneys for Defendant
60 East South Temple, Suite 1800
Salt Lake City, UT 84111
Telephone: (801) 328-3600
Facsimile: (801) 321-4893

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

REBECCA IVORY, individually, and as parent
and guardian of ALEXIS IVORY, a minor,

Plaintiffs,

v.

INTERMOUNTAIN HEALTH CARE, dba
DIXIE REGIONAL MEDICAL CENTER,

Defendant.

**RULE 35 MOTION TO COMPEL
GENETIC TESTING**

Case No. 2:08-cv-00398-TC

Judge Tena Campbell

Intermountain Healthcare, dba Dixie Regional Medical Center (“Defendant”), by and through its counsel of record, submits this Rule 35 Motion to Compel Genetic Testing. An order requiring Plaintiff to submit her child Alexis Ivory to genetic testing is appropriate because she has placed Alexis’s condition at issue and because good cause exists to order this testing. This Motion is supported by a memorandum of points and authorities and should be granted in accordance with the arguments set forth therein.

DATED this 26th day of March, 2010.

KIRTON & McCONKIE

/s/ Matthew C. Ballard
Matthew C. Ballard
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March 2010, I caused to be served a true copy of the foregoing **RULE 35 MOTION TO COMPEL GENETIC TESTING**, by the method indicated below, to the following:

Todd Wahlquist
WAHLQUIST LAW FIRM
648 E. 100 S., Suite 200
Salt Lake City, UT 84102

Attorney for Defendant

() U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
(x) E-Filing (CM/ECF system)

/s/ Matthew C. Ballard
Matthew C. Ballard
Attorneys for Defendant